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CHAPTER 10.

BUILDING ENERGY EFFICIENCY STANDARD ACT

SECTION 6-10-10. Short title.

This chapter may be cited as the South Carolina Building Energy Efficiency Standard Act.

SECTION 6-10-20. Definitions.

Wherever used or referred to in this chapter, the terms defined herein have the meanings assigned to them unless a different meaning is clearly indicated by the context.

(1) “Building” means any combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any occupancy. The word “building” shall be construed wherever used herein as if followed by the words “or part or parts thereof and all equipment therein” unless the context clearly requires a different meaning. The term “building” shall include manufactured buildings but not mobile homes or buildings heated to less than fifty degrees Fahrenheit.

(2) “Construction” means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building, or the installation of equipment therein.

(3) “Equipment” means facilities or installation, including, but not limited to plumbing, heating, electrical, ventilating, air conditioning, lighting, refrigerating facilities or installations, and elevators, dumbwaiters, escalators, boilers, and pressure vessels.

(4) “Local enforcement agency” means the agency of local government with authority to make energy related inspections of buildings and to enforce the laws, ordinances, and regulations enacted by the State and the local government which establish standards and requirements applicable to the construction, alteration, repair and occupancy of buildings.

(5) “Local government” means any county, city, municipal corporation, or other political subdivision of this State and state agencies with authority to establish energy standards and requirements applicable to the construction, alteration, repair and occupancy of buildings.

(6) “Renovations” means the condition where within any twelve-month period, alterations or repairs costing in excess of fifty percent of the then physical value of the building are made to an existing building.

(7) “Addition” means the extension or increase in floor area or height of a building.

(8) “One or two-family dwelling” means any building which contains one or two single units, each providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, and sanitation and rented to be occupied or which is occupied for living purposes.

SECTION 6-10-30. Building energy efficiency standard adopted; effect on state and local regulations.

(a) The current edition of Appendix J (Code for Energy Conservation in new building construction) to the Standard Building Code of the Southern Building Code Congress International, Incorporated, is hereby adopted as the South Carolina Building Energy Efficiency Standard unless otherwise provided for in this chapter. All new and renovated buildings and additions constructed one hundred and twenty days after the effective date of this chapter within the State shall comply with this standard.

(b) Until one hundred and twenty days after adoption of the South Carolina Building Energy Efficiency Standard, energy related building regulations adopted by a local government shall continue in effect unless repealed. Thereafter, such regulations adopted by a local government shall be void and of no effect unless they are no less stringent than the South Carolina Building Energy Efficiency Standard. A building permit validly issued pursuant to local building regulations within one hundred and twenty days

after adoption of the South Carolina Building Energy Efficiency Standard is valid thereafter and the construction of a building may be completed pursuant to and in accordance with the permit. In areas of the State having no building regulations or not requiring building permits, the construction of a building started before adoption of the South Carolina Building Energy Efficiency Standard may be completed without a building permit.

(c) Until one hundred and twenty days after adoption of the South Carolina Building Energy Efficiency Standard, energy related building regulations for new and renovated buildings promulgated by any state board, department, commission or agency shall continue in effect unless repealed. Thereafter, such regulations shall be void and of no effect unless they are no less stringent than the South Carolina Building Energy Efficiency Standard.

(d) Notwithstanding the provisions of subsection (a), in one and two family dwellings double pane or storm windows must be used for window glass and in the case of ceilings, exterior walls, floors with crawl space, and heating and air conditioning duct work, the determination of the minimum thermal resistance ratings (R-value) must be:

(1) R-30 for ceilings, except for ceiling/roof combinations, which must be R-19;

(2) R-13 for exterior walls;

(3) R-19 for floors with crawl space;

(4) R-6, or the installed equivalent, for heating and air conditioning duct-work not located in conditioned space

Nothing in this subsection may be construed to inhibit utilization of higher minimum thermal ratings.

To facilitate the affordability of purchases of housing, minimum thermal resistance ratings of R-19 for ceilings and R-11 for floors may be used provided the builder discloses the insulation levels to the buyer. The disclosure must be on a form available from the South Carolina Residential Builders Commission and a copy must be submitted to the commission which must keep it for thirteen years.

SECTION 6-10-40. Approval of variations to cover special local conditions.

A local enforcement agency may propose to the South Carolina Building Code Council changes in the South Carolina Building Energy Efficiency Standard for application within its jurisdiction to cover special local conditions requiring special or different building standards. The Council shall approve any of such variations if it is established to the Council's satisfaction that:

(1) The proposed change is sufficiently consistent with the South Carolina Building Energy Efficiency Standard so that its application will not substantially reduce statewide uniformity of building regulations;

or

(2) The proposed change does not discriminate against particular technologies, techniques or materials;

or

(3) The proposed change does not unnecessarily increase the cost of construction in the jurisdiction; or

(4) The proposed change is necessary to protect the public health, safety and welfare within the jurisdiction.

Copies of any approved changes shall be provided by the Council to the South Carolina Office of Energy Resources.

SECTION 6-10-50. Local enforcement agencies; duties; appeals boards; jointly established enforcement agencies or appeals boards.

(a) In areas of the State where local governments have adopted building codes and appointed an enforcement official, the enforcement building official shall be the local enforcement agent.

(b) In areas of the State where local governments have not adopted building codes, they may designate their engineer or director of public works, or their chief fire inspector as the enforcement agency, or they may call upon the South Carolina Residential Home Builders Commission to assist in enforcement for

structures under their jurisdiction. In the absence or unavailability of the above, they shall advise the permittee of the provisions of the Energy Efficiency Standards Act, and the penalties for violation.

Upon request, the Division of Energy of the Office of the Governor shall provide to counties and municipalities a brief synopsis of the Energy Efficiency Standards Act and penalties.

(c) The local enforcement agencies shall be responsible for examination and approval or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates and similar documents, and the inspection of buildings pursuant to the provisions of the South Carolina Building Energy Efficiency Standard.

(d) In areas of the State where building codes have not been adopted, local governments shall appoint local appeals boards to hear appeals brought in accordance with Section 6-10-70(b) of this chapter. Until the boards are established, appeals shall be heard by the South Carolina Building Code Council. A sufficient number shall be appointed to allow appeals to be heard promptly by panels of interest in the cases before them. A local government shall be relieved of the duty to appoint local appeals boards if it is established to the satisfaction of the Council that a sufficient number of qualified people cannot be found in the jurisdiction or through cooperation with neighboring jurisdictions.

(e) Two or more local governments may establish a local enforcement agency or a local appeals board to serve their jurisdictions, and in this event they shall share the expense incurred.

(f) Except as otherwise provided in the South Carolina Building Energy Efficiency Standard, the construction of a building shall not begin until a building permit is issued. Upon submission of an application to a local enforcement agency, if the building proposed to be erected will comply with this chapter and the South Carolina Building Energy Efficiency Standard, a permit shall be issued. A local enforcement agency may suspend or revoke a building permit if the building under construction pursuant thereto does not comply with this chapter.

(g) A local enforcement agency shall periodically inspect all construction undertaken pursuant to permits issued by that agency to assure compliance with this chapter. The applicant for a permit for the building under construction is deemed to have consented to inspection by a local enforcement agency by the act of applying for such permit. If a building is found not to comply with the South Carolina Building Energy Efficiency Standard, the local enforcement agency shall notify the permittee in writing to bring the building into compliance with the standard or to secure it from entry or both; if the permittee fails to comply with the notification, the local enforcement agency shall revoke the permit.

(h) No building constructed after the effective date of the South Carolina Building Energy Efficiency Standard shall be used or occupied until a certificate of occupancy has been issued. Upon submission of an application for a certificate of occupancy to a local enforcement agency, certificate of occupancy shall be issued if the building to which the application pertains has been constructed in accordance with the building permit, the South Carolina Building Energy Efficiency Standard, and other applicable laws and ordinances.

SECTION 6-10-60. Fees.

Each local government may establish a schedule of fees for the functions performed by the local enforcement agency in connection with the enforcement of this chapter.

SECTION 6-10-70. Boards of Adjustment and Appeals; appeals procedure.

The General Assembly intends by the enactment of this section to provide an appeals process for the routine granting of variations for residential recreational dwellings not intended for use as permanent residences and for buildings such as log buildings which, if insulation were required on the walls, would change the character of such buildings.

(a) In areas of the State where building codes have been adopted and boards of Adjustment and Appeals established in accordance with the Standard Building Code, such boards of Adjustment and Appeals may

carry out their normal functions concerning variations, appeals and the requirements of the South Carolina Building Energy Efficiency Standard.

(b) In areas of the State where local governments have not adopted building codes, appeals shall be made to the boards appointed by local governments under Section 6-10-50(d).

(c) Where local governments have been relieved of the duty to appoint an appeals board because a sufficient number of qualified people cannot be found in the jurisdiction, appeals may be made to the South Carolina Building Code Council.

(d) The Council shall promptly hear and decide appeals brought by any person or party in an individual capacity, or on behalf of a call of persons or parties, affected by any regulation or decision pursuant to this act. Final decisions by the Council are reviewable on appeal, or on successive appeals, in the courts of competent jurisdiction.

SECTION 6-10-80. Injunctions against violations.

Any local enforcement agency or the Council may obtain injunctive relief from any court of competent jurisdiction to enjoin the offering for sale, delivery, use, occupancy, erection, alteration or installation of any building covered by this chapter, upon an affidavit from such agency specifying the manner in which the building does not conform to the requirements of this chapter or the South Carolina Building Energy Efficiency Standard.

SECTION 6-10-90. Penalties.

(a) When a violation of the provisions of this chapter or the South Carolina Building Energy Efficiency Standard is discovered, the person in violation shall be granted thirty days or no later than the time necessary to complete the construction to correct such violation. Any person who fails to correct such violation shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned for not more than thirty days for each offense.

(b) A separate violation is deemed to have occurred with respect to each building not in compliance with the act or the South Carolina Building Energy Efficiency Standard. Each day the violation continues constitutes a separate violation.